

LABOUR DEPARTMENT
The 2nd July, 1968

No. 5416-3Lab-68/16447.—In exercise of the powers conferred by section 3 of the Industrial

Disputes Act, 1947, the Governor of Haryana, is pleased to appoint Shri P. N. Thakral, District and Sessions Judge, Delhi, as Presiding Officer, Labour Court, Rohtak with effect from the afternoon of the 17th July, 1967.

The 3rd July, 1968

No. 5422-3Lab-68/16342.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh, in respect of the dispute between the workmen and management of M/s Bhiwani Textile Mills, Bhiwani:—

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH
Reference No. 104 of 1967

between

THE WORKMEN AND THE MANAGEMENT OF M/S BHIWANI TEXTILE
MILLS, BHIWANI

Present : Shri N. M. Jain, for the management. Shri Hanuman Parshad, for the workmen.

AWARD

An industrial dispute having come into existence between the workmen and the management of M/s Bhiwani Textile Mills, Bhiwani, the same was referred for adjudication to this tribunal under clause (d) of sub-section 1 of section 10 of the Industrial Disputes Act, 1947,—vide Haryana Government Notification No. 52336, dated 7th December, 1967. The two items of dispute which are mentioned in the said notification are as under :—

1. Whether the workmen are entitled for the enhanced bonus for the years 1964-65 and 1965-66 ? If so, with what details ?
2. Whether Shri Roshan Lal, son of Shri Khuba Ram, Oil Jobber, is entitled for the wages as blow room fitter ? If so, with what details and from which date ?

On registration of the reference in this tribunal, usual notices were issued to the parties and in response to the same the workmen filed their statement of claims and the management filed their written statement to the same. The pleadings of the parties gave rise to six issues which were framed by me on 11th of January, 1968 and which read as under :—

1. Does not Vaster Udyog Mazdoor Sangh, Bhiwani, represent a substantial number of workmen of the Mill in question and what is its effect on the present reference ?
2. What effect if any has the settlement, dated 28th December, 1966, got on the present case ?
3. Does the withdrawal of the earlier demand notice by Kapra Mazdoor Ekta Union affect the present case in any way ? If so, how ?
4. Has not Vaster Udyog Mazdoor Sangh, Bhiwani espoused the present demand ? If so, what effect it has on the present case ?
5. Whether the workmen are entitled to the enhanced bonus for the years 1964-65 and 1965-66 ? If so, with what details ?
6. Whether Shri Roshan Lal, son of Shri Khuba Ram, Oil Jobber, is entitled to the wages as blow room fitter ? If so, with what details and from which date ?

Parties were directed to produce their evidence on the aforesaid issues but they closed their evidence on the preliminary issues only on 18th April, 1968. They were then directed to produce their evidence on the other issues on the 22nd May, 1968. The management had earlier filed a calculation chart in respect of the calculation of bonus but the workmen had not filed any chart in spite of having been ordered to do so. They were again directed to file a chart on 22nd May, 1968. On the last date, i.e. 22nd of May, 1968, also the workmen did not file the aforesaid chart. They produced three witnesses on that day and without assigning any good reason for the same they asked for another opportunity to produce more witnesses. As no sufficient reason existed for granting any adjournment the request of the workmen for the said adjournment was declined. The management produced two witnesses on the said date and closed their case. The representatives of the parties then addressed their arguments to me. My findings on the main two issues, namely, issue No. 5 and 6 are as follows :—

Issue No. 5.—The management had declared bonus at the rate of 4 per cent of the annual earnings of the workmen for the years 1964-65 and 1965-66 and this had been done by them under section 10 of the Payment of Bonus Act, 1965, read with the other provisions of the said Act. The workmen demanded more bonus and served a demand notice with regard to the same. The said demand having not been complied with and the conciliation proceedings with regard to the same having presumably failed the said demand now forms the subject-matter of this reference. The workmen have not filed any calculation chart showing how much bonus they are entitled to and on what basis. The management have filed a calculation chart but the workmen have not pointed out any mistake in the same and have failed to prove any basis for claiming more bonus for the year in question. The management have produced their balance-sheet and profit and loss account which are duly audited by the chartered accountants. The concern in question originally belonged to another company but was later taken over by M/s Gwalior Rayon and Silk MFG Co., Ltd., Gwalior. The accounts of the unit in question used to be prepared separately before its transfer to the new management and profit and loss accounts and balance-sheets for the unit in question also used to be prepared separately. The same system is continuing even now. Separate accounts have been maintained in the unit in question and separate balance-sheet and profit and loss accounts are being prepared for the same. Shri N.M. Jain, R.W. 3. has given evidence to prove this fact and I have no reason to disbelieve his evidence. The case of the workmen is that the management should have produced a consolidated Balance-sheet of all the units belonging to the Gwalior Rayon and Silk MFG. Co. Ltd., and that the bonus should have been declared on the basis of the said balance-sheet. This claim is clearly inconsistent with the provisions of Section 3 of the Payment of Bonus Act which reads as under :—

“3. *Establishment to include departments, undertaking and branches.*—Where an establishment consists of different departments or undertakings or has branches, whether situated in the same place or in different places, all such departments or undertakings or branches shall be treated as parts of the same establishment for the purpose of computation of bonus under this Act:

Provided that where for any accounting year a separate balance-sheet and profit and loss account are prepared and maintained in respect of any such department or undertaking or branch, then, such department or undertaking or branch, shall be treated as a separate establishment for the purpose of computation of bonus under this Act for that year, unless such department or undertaking or branch was, immediately before the commencement of that accounting year treated as part of the establishment for the purpose of computation of bonus”.

Since the workmen are entitled to the bonus only on the basis of the balance-sheet and profit and loss accounts of the unit in question and since no evidence has been led to prove that the bonus already declared by the management is in any way less than what should have been paid to the workmen, the demand of the workmen for enhanced bonus is dismissed.

Issue No. 6.—The claim of the workmen is that Roshan Lal, son of Khuba Ram who is an oil jobber but who is now working as a fitter in the blow room should be paid more wages. The case of the management on the other hand is that Shri Roshan Lal is not actually a fitter but is only an oil jobber although he is now acting as a fitter. It is further the case of the management that ever since he has been asked to do the job of a fitter he has been given an increase of Rs 15 per month in his wages. The workmen have utterly failed to prove the exact qualifications of Shri Roshan Lal and have failed to bring on record any evidence to prove that he possesses any degree or diploma for working as a fitter. R.W. 2, Shri R.C. Jain, Senior Spinning Assistant has stated that Shri Roshan Lal is only an oil jobber and has been asked to act as a fitter temporarily and has for that purpose been given an increase of Rs 15 per month in his wages. He has further stated that in the mill called Technological Institute of Textile, Bhiwani, there is a blow room fitter who is getting Rs 52 per month plus dearness allowance plus another Rs 8 per month. He has also stated that Roshan Lal is now getting Rs 67 per month plus another sum of Rs 8 plus the dearness allowance. There is nothing on the record to prove that Shri Roshan Lal is in any way entitled to any more wages. Ther claim in respect of him is accordingly dismissed.

Issues Nos. 1 to 4.—As both the claims of the workmen covered by the two items of dispute have failed on merits, it is wholly unnecessary to decide these technical issues.

No order as to costs.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

Dated 13th June, 1968.

No. 766, Dated Chandigarh, the 15th June, 1968.

The award be submitted to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

No. 5481-3Lab-68/16345.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and the management of M/s Delton Cable Company, Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, ROHTAK

Reference No. 7/68

between

SHRI NARENDRA KUMAR JAIN, WORKMAN AND THE MANAGEMENT OF M/S DELTON CABLE CO., FARIDABAD

Present:—

Shri R. L. Sharma with Shri Narindra Kumar Jain, workman.

Shri R. C. Sharma, for the management.

AWARD

Shri Narendra Kumar Jain was serving as a Store Keeper with M/s Delton Cable Co., Faridabad. His services were terminated and this give rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette notification No. ID/FD/186B, dated 17th January, 1968.

1. Whether the termination of services of Shri Narendra Kumar Jain, was justified and in order? If not to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the claimant filed his statement of claims and the management filed their written statement. It is, however, not necessary to decide the case on merits because a compromise has been effected between the parties. The workman has given up all his claim for reinstatement, re-employment, etc. and the management have agreed to pay him Rs. 550 and in addition the claimant would be paid his wages if any due to him and also wages for leave not availed off. The claimant has no other claim against the management. Accordingly, I give my award in terms of the settlement arrived at between the parties. No order as to costs.

Dated the 13th June, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour, Court Rohtak.

No. 1079, dated the 14th June, 1968.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 13th June, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Rohtak.

No. 5482-3Lab-68/16639.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Globe Steels, Ballabgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 137 of 1967

Between

Shri Jagdish Roy, workman and the management of M/s Globe Steels, Ballabgarh

Present.—Shri Darshan Singh, for the workman.
Shri S.N. Bhandari, for the management.

AWARD

Shri Jagdish Roy was in the service of M/s Globe Steels, Ballabgarh. His services were terminated and this gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 read with proviso to that sub-section of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* GOVERNMENT GAZETTE Notification No. ID/FD/53C, dated 23rd December, 1967 :—

Whether the termination of services of Shri Joginder Roy was justified and in order ? If not, to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which the claimant filed his statement of claim and the management filed their written statement. The issues which arose from the pleadings of the parties were framed but it is not necessary to decide the dispute between the parties on merits. A compromise has been arrived at between the parties. The claimant has made a statement that he does not press his claim for reinstatement and the other relief claimed by him and the management have agreed to pay him Rs 150 in full and final settlement of all his claim. I give my award in terms of the compromise arrived at between the parties. No order as to costs.

P. N. THUKRAL,

Dated 13th June, 1968.

Presiding Officer,
Labour Court, Rohtak.

No. 1081, dated 14th June, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Dated 13th June, 1968.

Presiding Officer,
Labour Court, Rohtak.

No. 5574-3Lab-68/16679.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workmen and management of M/s Chadda Industrial Corporation, Link Road, Faridabad :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT,
ROHTAK

Reference No. 23 of 1968

Between

SHRISURINDER PAL WORKMAN AND THE MANAGEMENT OF M/S CHADDA
INDUSTRIAL CORPORATION, LINK ROAD, FARIDABAD

Present.—Shri Roshan Lal Sharma, for the workman.
Nemo, for the management.

AWARD

Shri Surrinder Pal was in the service of M/s Chadda Industrial Corporation, Link Road, Faridabad, as a Turner at Rs. 140 P.M. His services were terminated and this gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication,—*vide* Government Gazette Notification No. ID/FD/227/B, dated 16th February, 1968.

Whether the termination of services of Shri Surrinder Pal was justified and in order? If not to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which the claimant filed his statement of claim. The management did not appear to oppose the claim of the workman inspite of the fact that the notice sent to them under registered cover acknowledgement due was served upon them. The *exparte* evidence of the workman was recorded. He has affirmed on oath that he was employed as a Turner in the respondent concern at Rs 140 P. M. sometimes in the month of May, 1966. He has stated that the management stopped his salary for about two months and when he insisted that his salary be paid to him he was asked to get out. He has however stated that he was not given any notice or any opportunity to show cause and that he was not guilty of any misconduct. Since the management has not cared to show that the termination of the services of the claimant was justified, I am of the opinion that in view of the sworn testimony of the workman it must be held that the termination of his services was not justified and in order. He is, therefore, entitled to be reinstated with full back wages and continuity of service. I give my award accordingly. No order as to costs.

Dated, 6th June, 1968

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

No. 1080, the 14th June, 1968

Forwarded (four copies) to the Secretary, to Government, Haryana, Labour and Employment Departments. Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, 6th June, 1968.

P.N. THUKRAL,
Presiding Officer,
Labour Court, Rohtak.

R.I.N. AHOOJA, Secy.